PUBLIC DEFENDER COMMISSION

Missouri State Public Defender System
Program Book
Fiscal Year 2027

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Missouri State Public Defender

Missouri State Public Defender (MSPD) is a statewide system that provides legal representation to poor people who are accused or convicted of state crimes or juvenile delinquency offenses in Missouri's trial and appellate courts. MSPD is the state agency tasked with fulfilling the State's constitutional obligation to provide that legal representation. MSPD, an independent department located within, but not supervised by, the judicial branch, is governed by a seven member Public Defender Commission, appointed by the Governor. A person is eligible for public defender services if they are poor and are charged with an offense that is eligible for legal representation under Section 600.042 RSMo. MSPD is divided into eight legal specialty divisions and an Operations Division. The operations staff provide centralized information technology support, fiscal, and human resources services to the 47 offices located across the state.

Missouri State Public Defender

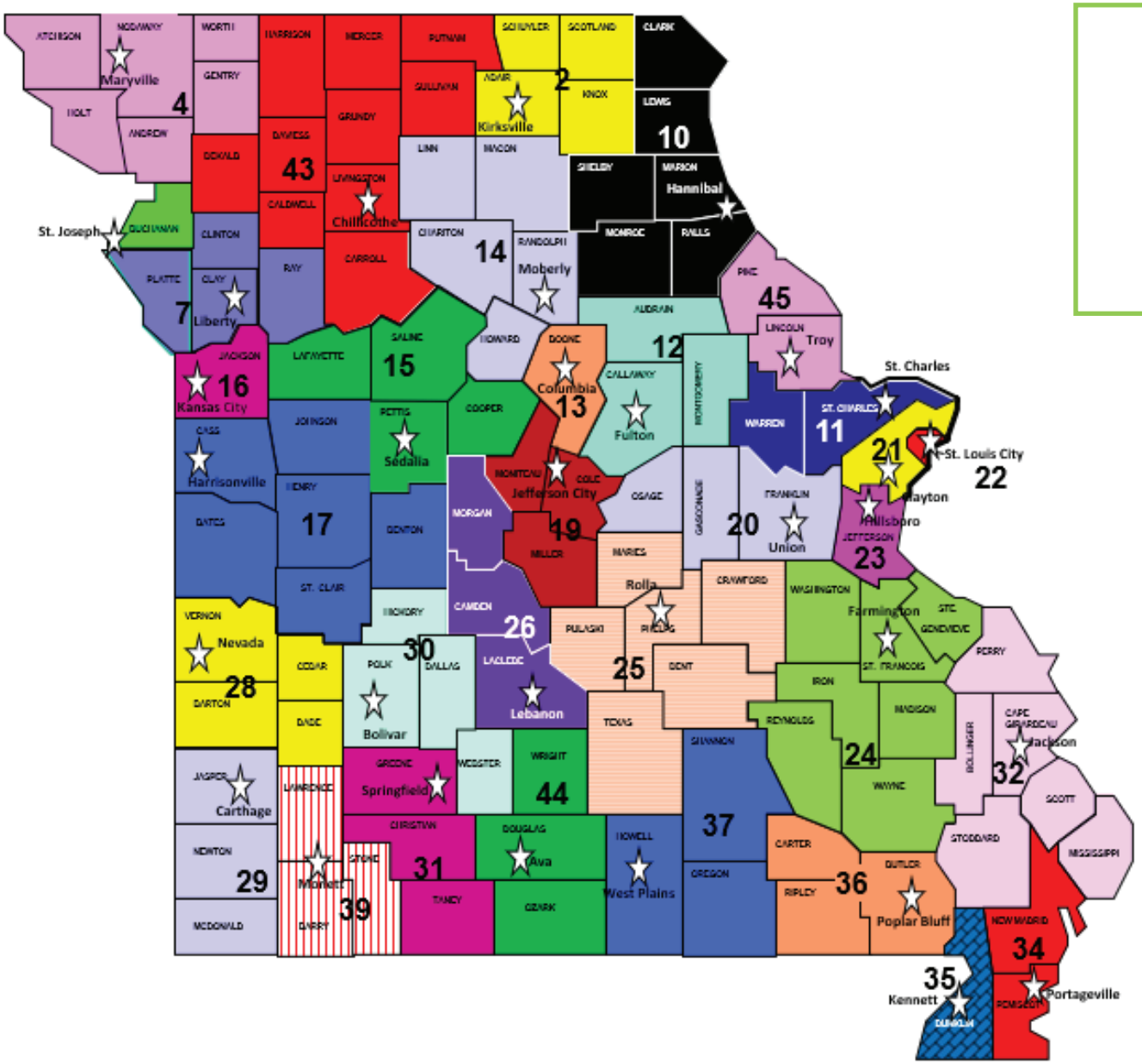
The 2023 National Public Defense Workload Study provided important data for determining reasonable workloads in public defense. Missouri is above the acceptable standard for a reasonable workload, but MSPD is working towards reaching those standards by improving client outcomes. In 2022 MSPD initiated a new program, Holistic Defense Services (HDS), in recognition of the fact that a more comprehensive approach to client representation is necessary to lowering those caseloads and fulfilling MSPD's constitutional obligation. MSPD's goal in the creation of HDS is to connect clients to services in their communities to create lasting solutions that will help prevent the clients from offending in the future, thus decreasing the number of criminal cases and increasing community safety.

PUBLIC DEFENDER

TRIAL DIVISION

DISTRICT MAP

JANUARY 1, 2022



State Auditor's Reports and Oversight Evaluation

Program or Division Name	Type of Report	Date Issued	Website
Public Defender Commission	Audit	October 1, 2012	http://www.auditor.mo.gov/Press/2012-129.pdf

PROGRAM DESCRIPTION

Department: Missouri State Public Defender **AB Section(s): 12.400**

Program Name: Public Defender

Program is found in the following core budget(s): **This program is found in all MSPD core budgets. MSPD has only one mission and only one program - to provide effective legal representation to indigent persons accused of crime.**

1a. What strategic priority does this program address?

This single overriding goal of the Missouri State Public Defender is to provide effective criminal defense representation for its clients fulfilling the State's constitutional mandate to provide legal representation to the poor, charged with criminal offenses, who are unable to retain counsel on their own. Strategies to accomplish this mission have been identified and implemented with continued refinements to enhance productivity and efficiencies, reducing costs and eliminating waste in the processes and operations that deliver such services, without sacrificing the constitutionally mandated quality representation.

1b. What does this program do?

The Missouri State Public Defender (MSPD) is a statewide system that provides legal representation to poor persons who are accused or convicted of state crimes. That representation occurs in Missouri's trial, and appellate courts, as well as in the United States Supreme Court. MSPD's representation of eligible applicants fulfills the state's constitutional mandate to provide counsel pursuant to the Sixth Amendment of the United States Constitution and Article I, Section 18 of the Missouri Constitution.

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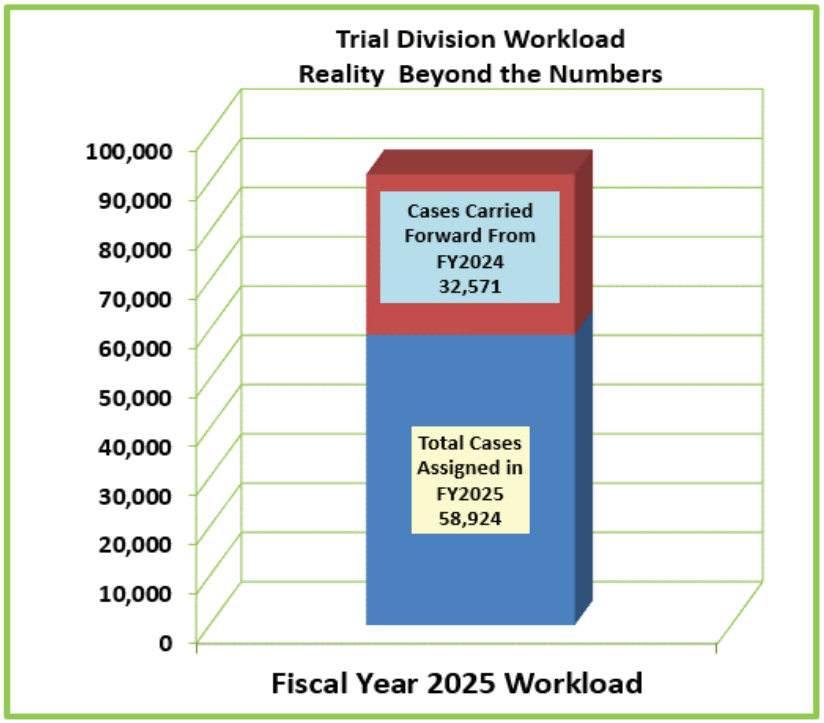
2a. Provide an activity measure(s) for the program.

MSPD tracks both intake of new cases and resolution of disposed cases. MSPD also tracks outcomes of those cases. Many cases take more than a year from assignment to dispostion and many more do not fall neatly, start to finish, within a single fiscal year. The chart reflects the reality that no lawyer begins the fiscal year with an empty file drawer. At the start of FY25, Missouri's Trial Division public defenders had over 32,571 pending cases already on their desks, to which another 58,924 new cases were assigned over the course of the fiscal year.



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2b. Provide a measure(s) of the program's quality.

MSPD provides representation to the majority of persons facing criminal charges in Missouri's courts. Each eligible applicant is assigned to an individual Assistant Public Defender who is responsible for the representation of the client. MSPD measures incoming cases by charges filed by the State and jurisdiction in which the charges are pending. MSPD measures disposition of the cases by the final outcome of the case; i.e. trial, guilty plea, dismissal, etc. Any case which results in a conviction is eligible for post conviction review by both circuit and appellate courts. MSPD is generally responsible for providing representation in those cases also.

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2c. Provide a measure(s) of the program's impact.

As noted above, MSPD is an independent statutory department that provides legal representation at the public expense to any eligible applicant as required by the Sixth Amendment of the United States Constitution and Article I, Section 18 of the Missouri Constitution. Missouri's criminal courts would come to a standstill without MSPD. At any time, MSPD is the defense attorney of record in the majority of criminal cases pending in those courts.

2d. Provide a measure(s) of the program's efficiency.

There are three primary measures of effectiveness applicable to the Missouri State Public Defender System:

(1) Case Law: Through cases ruled upon by the United States Supreme Court, the Missouri Supreme Court and Court of Appeal, specific standards of what does or does not constitute effective assistance of counsel in the representation of a criminal defendant have evolved. Where an attorney is found by the court to have failed to meet those standards, any conviction of the defendant must be set aside.

(2) Missouri Rules of Professional Responsibility are establised by the Missouri Supreme Court and applicable to every attorney licensed to practice law within the State of Missouri. The Rules set out what is expected from a competent, professional attorney and are enforced by the Missouri Supreme Court through its Office of Chief Disciplinary Counsel. Failure to comply with these rules can result in actions being taken against the attorney's license, ranging from a formal reprimand up to and including permanent disbarment from the right to practice law within the state.

(3) MSPD Guidelines for Representation adopted by the Missouri State Public Defender Commission, which set out the Commission's expectations of its attorneys in order to meet the above standards for effective representation of clients served by Missouri Public Defenders.

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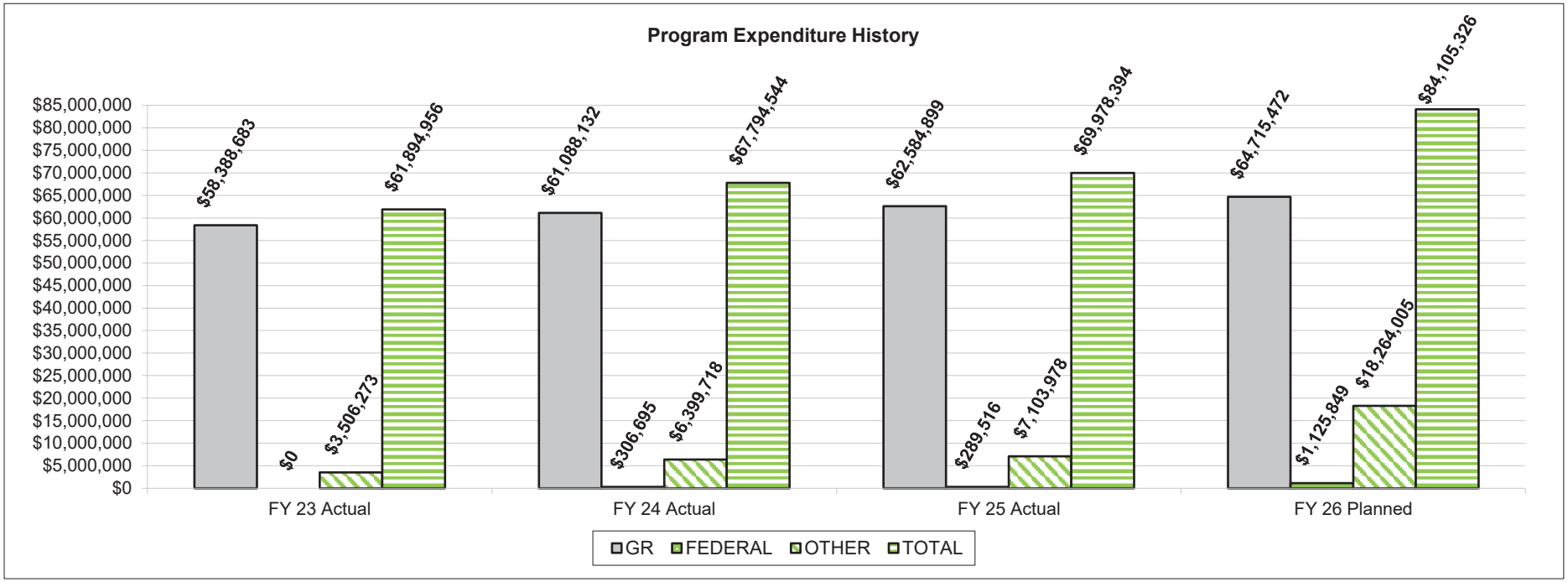
3. Provide actual expenditures for the prior three fiscal years and planned expenditures for the current fiscal year. (*Note: Amounts do not include fringe benefit costs.)*



4. What are the sources of the "Other " funds?

Legal Defense and Defender Fund (1670) - Collections from Client Fees and Other
Public Defender Reinvestment Fund (1641) - Amendment 3 Funding

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5. What is the authorization for this program, i.e., federal or state statute, etc.? (Include the federal program number, if applicable.)

Chapter 600 RSMo, which was enacted to comply with the state's obligations under the U.S. Constitution and Missouri Constitution:
"In all criminal prosecutions, the accused shall enjoy the right to…have the assistance of counsel for his defense."
Amend VI, U.S. Constitution

"In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel."
Article I, Section 18(a), Missouri Constitution

6. Are there federal matching requirements? If yes, please explain.

No

7. Is this a federally mandated program? If yes, please explain.

Yes -

The provision of counsel to indigent defendants facing prosecution and potential loss of their liberty is federally mandated by the United States Constitution.

"In all criminal prosecutions, the accused shall enjoy the right to…have the assistance of counsel for his defense."
Amend VI, U.S. Constitution Bill of Rights.